

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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TRINA MUFFALETTO,

Plaintiff,

-against-

ADA P. SABOL and CHRISTOPH J. SABOL,

Defendant.
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No.: 15-cv-5967 (PKC)

Plaintiff's Rule 56.1
Statement in Support of
Plaintiff's Motion for
Summary Judgment

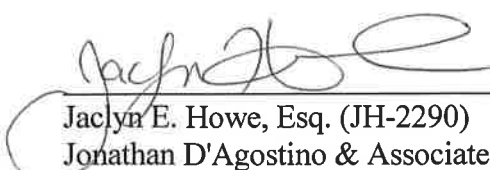
Plaintiff, by and through her attorneys, Jonathan D'Agostino & Associates, P.C., hereby submit their Rule 56.1 Statement setting forth the material facts as to which there is no genuine dispute in support of its proposed motion for summary judgment on the issue of negligence as follows:

Facts:

1. The within action stems from a motor vehicle accident occurring on May 16, 2014. (police report)
2. Plaintiff's vehicle was struck in the rear by the Defendant, Christoph J. Sobel's vehicle. (police report)
3. Plaintiff testified at an Examination Before Trial on May 3, 2016.
4. Plaintiff testified that she was driving on Hylan Boulevard for approximately 10-15 minutes prior to the accident. Plaintiff's transcript page 15.
5. Plaintiff testified that the accident occurred at the intersection of Hylan Boulevard and Nelson Avenue. Pg. 16.
6. Plaintiff testified that prior to the accident, she was stopped in traffic on Hylan Boulevard just past Nelson Avenue. Pg. 17.
7. The car in front of Plaintiff stopped as a bus was pulling out of the bus stop. Pg 17.
8. Plaintiff stopped. Pg. 17.

9. Defendant hit Plaintiff in the rear. Pg. 17.
10. There was approximately a half of car length between the bus and the car in front of Plaintiff. Pg. 24.
11. There was approximately a half of car length between Plaintiff and the car in front of her when she stopped. Pg. 22.
12. Plaintiff testified that the car in front of her had been braking a few times before it stopped. Pg. 23.
13. Defendant Christopher J. Sobel also testified on May 3, 2016.
14. The accident took place on Hylan Boulevard at its intersection with Nelson Avenue. Defendant's transcript pgs. 7-8.
15. Defendant was operating his mother's car with her permission. Pg. 8.
16. Defendant was the 3rd car stopped at the red light on Hyland Boulevard and Nelson Avenue. Pgs. 14; 22.
17. Defendant saw a bus stopped a head of him and to his right when he was stopped at the red light. Pgs. 14; 18.
18. As Defendant was proceeding forward, he saw the bus attempting to turn into the lane of traffic. Pg. 18; 20.
19. Defendant saw Plaintiff's brake lights prior to the accident. Pg. 23.
20. The front of Defendant's vehicle came into contact with the rear of the Plaintiff's vehicle. Pg. 23.
21. Defendant further testified that at the time of the accident, Plaintiff was attempting to stop. Pg. 23.

DATED: STATEN ISLAND, NY
September 30, 2016



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